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Promotion of Technical Co-operation among and between African Governments for the Implementation of Conventions and Protocols on the Environment

I. Background and Justification

1. During the implementation of the joint ECA/UNEP project FP/1002-79-01 (2000) - Development of Environmental Protection Legislation in the ECA Region about four years ago, a preliminary study was made on the status of regional and international co-operation in environmental legislation in the ECA region. The results of the study, found in the End-of-Project Report published by the United Nations ECA as document E/CN.14/ECU/5, indicated the more relevant international conventions and protocols on the environment to which African countries were expected to become parties for implementation. However, it was noted that by December 1980, out of 22 international environmental treaties examined, only 8 had been ratified by 11-28 African countries and the remainder (14) by generally 1-9 African countries. These figures have slightly improved over the past four years based on data presented here as Annexes I-IV on the participation of African states in global conventions protecting the environment as of August 1984. Of 27 global conventions and amendment protocols examined by UNEP, only 9 had been ratified by 10-33 African countries and the remaining 18 by 1-7 African countries. However, the overall performance is still not satisfactory for the African region.

2. ECA took the opportunity to bring this to the attention of a meeting of Government Experts organized by the Organization of African Unity (OAU) in November 1984 at Addis Ababa, to revise the African Convention on the Conservation of Nature and Natural Resources (1968). A preliminary discussion then followed on the need for regional technical co-operation for the adoption, ratification and implementation of international treaties and agreements in the field of the environment. The International Union for the Conservation of Nature and Natural Resources (IUCN) also present at the meeting as an OAU consultant in revising the above-mentioned African convention, expressed interest in collaborating with the ECA and the OAU in promoting such technical cooperation in Africa IUCN indicated that it had previously cooperated with the United Nations Environment Programme (UNEP) to produce a set of tables to indicate the participation of States in Global Conventions for the Protection of the Environment. And so, UNEP has made available the sets of tables for the Africa region attached here as Annexes I to IV to indicate the performance of the member States in implementing the international treaties and agreements on the environment. Another activity of the project is to investigate the problems encountered by African Governments in ratifying and taking the necessary administrative steps to create or adapt the existing national machine ies and institutional framework to implement international and regional treaties and agreements for the protection of the environment.

II. Objectives

3. The long-term objective is to promote and strengthen technical co-operation among and between African States to re-inforce their national capabilities to ratify and implement international and regional conventions and protocols in the field of the environment.

4. The more immediate objectives are:

(i) To survey the performance of African countries in becoming parties to, ratifying and implementing international and regional conventions and protocols on the environment, in comparison to that of other regions;

(ii) To make a preliminary investigation on the difficulties faced by African Governments in ratifying and implementing international conventions and protocols, and in particular those pertaining to the African environment

(iii) To prepare guidelines for assisting African Governments on request, to accede to such international and regional treaties and agreements, and to implement them after incorporation into the national legislation framework,

(iv) To collect and disseminate information on the state of ratification and implementation of the international and regional conventions and protocols pertaining to the African environment by the African Governments.

III. Legislative Authority

(i) ECA resolution 412 (XVI) of April 1981 - Strengthening of national capabilities for environmental legislation, assessment and management as a development strategy;

(ii) UNEP Governing Council decision 10/14(VI) of May 1982 on Environmental Law; its decision 11/7 Part Two B(IV) on International treaties and other agreements in the field of the environment, and the System-Wide Medium-Term Environment Programme 1984-1989 (UNEP/GC.10/7);

(iii) The following OAU resolutions are of significance: CM/Res.169(XI) - Approving the African Convention on the Conservation of Nature and Natural Resources; CM/Res.262(XVIII) on Environment; CM/Res.281(XIX) on Environment; CM/Res.379(XXIII) on the Conservation of African Ecosystems; and CM/Res.893 (XXXVII) on Environment and Human Settlements.

IV. Activities and Work Plan

5. To assist African countries, at their request, to implement international treaties and agreements such as conventions and protocols for the protection of the environment, the following activities are proposed:

(a) Regional survey missions to (15-20) selected African countries to:

(i) update information on existing national environmental legislation relating to, and

(ii) survey existing administrative machinery to implement international and regional conventions and protocols on the environment;

(b) Regional seminar to be organized jointly with ECA/UNEP/OAU/IUCN to

(i) consider the above mission report on national environmental capabilities

(ii) discuss country papers on difficulties African countries experience in acceding to, ratifying and implementing international and regional treaties and agreements in the field of the environment and

(iii) discuss proposed guidelines to overcome such problems.

6. The proposed work plan is as follows:

(i)	October - December 1985	- Preparation of a joint project document between ECA, UNEP, OAU and IUCN
(ii)	January - March 1986	- Seeking funding sources to implement the project activities with the assistance of UNEP Clearing House facilities
(iii)	April 1986	- Selection of five consultants (5 w/m) to carry out survey missions (1 w/m to cover 3-4 countries in each MULPOC)
(iv)	May - June 1986	- Regional survey mission to 15-20 selected African countries
(v)	July - August 1986	- Preparation of mission report and for regional seminar
(vi)	November 1986	- Regional Seminar on promotion of technical cooperation for the implementation of conventions and protocols on the environment in Africa
(vii)	January 1987	- Report of the Regional Seminar to the Fourth Meeting of the Joint Intergovernmental Regional Committee on Human Settlements and the Environment

V. Outputs

7. The main outputs of the proposed activities will be:

a) Provision of technical assistance to African countries for the implementation of international and regional treaties and agreements on the environment;

b) Production of guidelines and recommendations to assist developing countries in acceding to, ratifying and implementing conventions and protocols in the environment;

c) Availability of information and materials on problems faced by African countries in endeavouring to implement international conventions and protocols on the environment, for future use in training workshops to develop national environmental legislation capabilities.

VI. Inputs

a) Inputs into the project activities from ECA, UNEP, IUCN and the OAU will be the seeking of financial support to implement the project. Several work/months of professional and administrative staff support will be put in to prepare the project document, questionnaire for the regional survey mission, hiring and briefing of the consultants, aide-memoires to member States and for the substantive servicing of the regional seminar proposed.

b) Government inputs will be the usual provision of administrative and technical facilities to the consultants on the survey missions to collect information on the problems involved. Government experts attending the regional seminar will prepare country papers on the difficulties their governments experience in acceding to, ratifying and implementing international and regional treaties and agreements.

VII. Funding

8. One of the main activities of the Environmental Law Programme of UNEP, besides the formulation of legal instruments, such as international treaties and agreements, and the preparation of international guidelines, principles and standards such as those dealing with shared natural resources, the world charter on nature, the code of practice for the management of hazardous wastes, environmental impact assessment,is to provide international assistance for developing national legislation with supporting administration measures. Although country missions requested are normally funded from the technical assistance budgets of the UNEP Regional Office for Africa in Nairobi, UNEP is being requested to consider the funding of this project through the "clearing house facilities". Since the project hopes to strengthen the national capabilities of African countries in environmental legislation and law enforcement, this will enhance the solving of some of their most serious environmental problems for which the clearing house facility was established.

VIII Recommendations for action

9. With this kind of background information and preliminary survey of the participation of African countries in global conventions to protect the environment, this Joint Intergovernmental Committee may wish to comment on the objectives and proposed activities of the project, and to recommend that the OAU, ECA, UNEP and the IUCN undertake a joint activity to provide technical cooperation to African countries for the adoption, ratification and implementation of international conventions and protocols in the field of the environment.

10. Finally, the attention of African countries are drawn to the 1979 Bonn Convention on the Conservation of Migratory Species of Wild Animals, to become full members before the deadline 31 July 1985. The convention is of utmost importance as migratory species have breeding habitats in African tropical wetlands and the warm seas during temperate winters. As such, the EEC is expected to provide limited assistance to African member States to attend the first meeting of the Conference of contracting parties to the convention to be held in Bonn (FRG) in October 1985, for adequate representation by the African region.

ANNEX I

TABLE 1a

PARTICIPATION OF AFRICAN STATES IN GLOBAL CONVENTIONS PROTECTING THE ENVIRONMENT

(Membership status as of 15 August 1984)

	NATURE CONSERVATION							MARINE ENVIRONMENT										
	Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar 1971)	Amendment Protocol (Paris 1982)	Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris 1972)	Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington 1973)	Amendment Protocol (Bonn 1979)	Amendment Protocol (Gaborone 1983)	Convention on the Conservation of Migratory Species of Wild Animals (Bonn 1979)	International Convention on Civil Liability for Oil Pollution Damage (Brussels 1969)	Amendment Protocol (London 1976)	International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (Brussels 1969)	Amendment Protocol (London 1973)	International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Brussels 1971)	Amendment Protocol (London 1976)	Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London, Mexico, Moscow, Washington 1972)	Amendment Protocol (London 1978)	International Convention for the Prevention of Pollution from Ships (London 1973)	Amendment Protocol (London 1978)	United Nations Convention on the Law of the [illegible] (Montego Bay 1982)
Algeria	●		●	●				●				●						
Angola																		
Benin			●	●														
Botswana				●	●													
Burkina Faso																		
Burundi			●															
Cameroon			●	●			●	●	●	●	●							
Cape Verde														●				
Central African Republic			●	●														
Chad																		
Comoros																		
Congo				●														
Djibouti																		
Egypt			●	●	●		●											
Equatorial Guinea																		
Ethiopia			●															
Gabon								●		●		●		●			●	
Gambia				●														●
Ghana			●	●				●		●		●						●
Guinea			●	●														
Guinea-Bissau																		
Ivory Coast			●					●										●
Kenya				●	●									●		●		
Lesotho																		
Liberia				●				●	●	●	●	●	●				●	
Libyan Arab Jamahiriya			●											●				
Madagascar			●	●	●													
Malawi			●	●														
Mali			●															
Mauritania	●		●															
Mauritius				●	●													
Morocco	●		●	●				●		●				●				
Mozambique			●	●														
Namibia																		●
Niger			●	●	●		●											
Nigeria			●	●	●			●						●				
Rwanda				●														
Sao Tome and Principe																		
Senegal	●	●	●	●				●		●								
Seychelles			●	●	●	●		●				●		●				
Sierra Leone																		
Somalia																		
South Africa	●	●		●	●			●						●				
Sudan			●	●														
Swaziland																		
Togo				●	●	●												
Tunisia	●		●	●	●			●		●	●	●		●		●	●	
Uganda																		
United Republic of Tanzania			●	●														
Zaire			●	●										●				
Zambia			●	●														
Zimbabwe			●	●	●													●

TABLE 1b

PARTICIPATION OF AFRICAN STATES IN GLOBAL CONVENTIONS PROTECTING THE ENVIRONMENT

(Membership status as of 15 August 1984)

	WORKING ENVIRONMENT					PEACE AND ENVIRONMENT			
	Convention Concerning the Use of White Lead in Painting (Geneva 1921)	Convention Concerning the Protection of Workers Against Ionizing Radiations (Geneva 1960)	Convention Concerning Protection Against Hazards of Poisoning Arising from Benzene (Geneva 1971)	Convention Concerning Prevention and Control of Occupational Hazards Caused by Carcinogenic Substances and Agents (Geneva 1974)	Convention Concerning the Protection of Workers Against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration (Geneva 1977)	Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Moscow 1963)	Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil Thereof (London, Moscow, Washington 1971)	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons, and on their Destruction (London, Moscow, Washington 1972)	Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (New York 1976)
Algeria	●								
Angola									
Benin	●					●		●	
Botswana						●	●		
Burkina Faso	●								
Burundi									
Cameroon	●								
Cape Verde						●	●	●	●
Central African Republic	●					●	●		
Chad	●					●			
Comoros	●								
Congo	●						●	●	
Djibouti	●	●							
Egypt		●		●		●			●
Equatorial Guinea									
Ethiopia							●	●	
Gabon	●					●			
Gambia						●			
Ghana		●				●	●	●	●
Guinea	●	●	●	●	●				
Guinea-Bissau						●	●	●	
Ivory Coast	●		●			●	●		
Kenya						●		●	
Lesotho							●	●	
Liberia						●			
Libyan Arab Jamahiriya						●			
Madagascar	●					●			
Malawi						●			●
Mali	●								
Mauritania	●					●			
Mauritius						●	●	●	
Morocco	●		●			●	●		
Mozambique									
Namibia									
Niger	●					●	●	●	
Nigeria						●		●	
Rwanda						●	●	●	
Sao Tome and Principe							●	●	●
Senegal	●					●			
Seychelles							●	●	
Sierra Leone						●		●	
Somalia									
South Africa						●	●	●	
Sudan						●			
Swaziland						●	●		
Togo	●					●	●	●	
Tunisia	●					●	●	●	●
Uganda						●			
United Republic of Tanzania					●	●			
Zaire						●		●	
Zambia			●		●	●	●		
Zimbabwe									

TABLE 5

PARTICIPATION IN REGIONAL SEAS CONVENTIONS ADOPTED UNDER THE AUSPICES OF UNEP

(Membership status as of 1 April 1984)

Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona 1976)	Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Barcelona 1976)	Protocol Concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency (Barcelona 1976)	Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-based Sources (Athens 1980)	Protocol Concerning Mediterranean Specially Protected Areas (Geneva 1982)	
●	●	●	●		Albania
●	●	●			Algeria
●	●	●	●	●	Cyprus
●	●	●	●	●	European Economic Community
●	●	●	●		Egypt
●	●	●			France
●	●	●			Greece
●	●	●	●	●	Israel
●	●	●			Italy
●	●	●			Lebanon
●	●	●			Libyan Arab Jamahiriya
●	●	●	●		Malta
●	●	●			Monaco
●	●	●	●		Morocco
●	●	●			Spain
●	●	●	●		Syrian Arab Republic
●	●	●		●	Tunisia
●	●	●	●		Turkey
●	●	●			Yugoslavia

TABLE 6

PARTICIPATION IN REGIONAL SEAS CONVENTIONS ADOPTED UNDER THE AUSPICES OF UNEP

(Membership status as of 1 April 1984)

Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (Kuwait 1978)	Protocol Concerning Regional Co-operation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency (Kuwait 1978)	
●	●	Bahrain
●	●	Iran (Islamic Republic of)
●	●	Iraq
●	●	Kuwait
●	●	Oman
●	●	Qatar
●	●	Saudi Arabia
●	●	United Arab Emirates

TABLE 7

PARTICIPATION IN REGIONAL SEAS CONVENTIONS ADOPTED UNDER THE AUSPICES OF UNEP

(Membership status as of 1 April 1984)

Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan 1981)	Protocol Concerning Co-operation in Combating Pollution in Cases of Emergency (Abidjan 1981)	
		Angola
		Benin
●	●	Cameroon
		Cape Verde
		Congo
		Equatorial Guinea
		Gabon
		Gambia
		Ghana
●	●	Guinea
		Guinea-Bissau
●	●	Ivory Coast
		Liberia
		Mauritania
		Namibia
●	●	Nigeria
		Sao Tome and Principe
●	●	Senegal
		Sierra Leone
●	●	Togo
		Zaire

TABLE 8

PARTICIPATION IN REGIONAL SEAS CONVENTIONS ADOPTED UNDER THE AUSPICES OF UNEP

(Membership status as of 1 April 1984)

Regional Convention for the Conservation of the Red Sea and Gulf of Aden (Jiddah 1982)	Protocol Concerning Regional Co-operation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency (Jiddah 1982)	
		Democratic Yemen
		Jordan
		Palestine
		Saudi Arabia
		Somalia
●	●	Sudan
●	●	Yemen